



IAP07Rec'd PCT 28 APR 2008  
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SERIAL NO. 10/576,970

PATENT APPLICATION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	RANTAPUSKA ET AL.	Examiner:	Unassigned
Serial No.:	10/576,970	Group Art Unit:	Unknown
I.A. Filing Date:	October 27, 2003	Docket No.:	BKS.019.WUS
Title:	METHOD AND DEVICES FOR RELAYED PEER-TO-PEER COMMUNICATIONS BETWEEN TERMINALS IN MOBILE NETWORKS		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 24, 2008.

By: Tracey M. Dotter  
Tracey M. Dotter

**Renewed Petition Under 37 C.F.R. § 1.181**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests the Decision on Petition Under 37 CFR 1.181 be reversed and that the holding of abandonment in patent application Serial No. 10/576,970 be withdrawn. No fees by the Applicant should be required or otherwise incurred; however, to the extent that other fees are necessary for entry of this Petition, authorization is given to charge/credit Deposit Account 50-3581 (BKS.019.WUS).

This renewed Petition is being timely presented as the Petition is being filed within two months of receiving the Petition decision.

A Decision on Petition Under 37 CFR 1.181 dated April 4, 2008 (see Exhibit A) was received by Applicant's representative. The Decision indicates the Petition was dismissed due to the Applicant not providing sufficient docket records. After reviewing the Decision, the Applicant's representative, in addition to providing a courtesy copy of the Petition as originally filed, hereby submits a copy of the firm docket record (see Exhibit B) showing the firm docket records for the date in which a response to the Notification of Missing Requirements would have been due had the Notification been received. Since the firm's docket records do not show any

items being due on February 19, 2007, the due date for responding to the Notification of Missing Requirements, the firm docket records for the preceding and following day are being provided.

Based on the practitioner's office procedures for handling incoming mail from the U.S. Patent and Trademark Office, the practitioner asserts that the Notification was not received at the correspondence address. The practitioner utilizes a docketing system to record the due dates relating to the application, and it is the general practice to enter a docket due date when an Official Communication is received from the U.S. Patent Office. The practitioner has reviewed the firm's docket entries for February 19, 2007, the due date for responding to the Notification of Missing Requirements, and notes that there is not a docket entry due date for Attorney Docket No. BKS.019.WUS.

In view of the above, Applicant respectfully request that the Decision on Petition Under 37 CFR 1.181 be reversed, that the holding of abandonment in patent application Serial No. 10/576,970 be withdrawn, and that a new Notification of Missing Requirements be mailed.

If the Patent Office believes it necessary or helpful, the Patent Office is invited to contact the undersigned attorney at the number below to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC  
8009 34<sup>th</sup> Avenue South, Suite 125  
Minneapolis, MN 55425  
952.854.2700

Date: 4/24/08

By: 

Steven R. Funk  
Reg. No.: 37,830

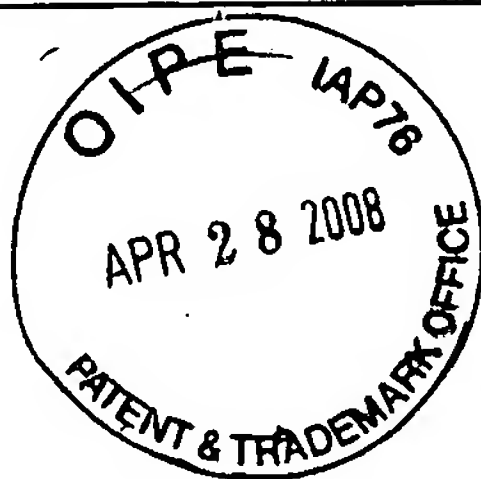
**EXHIBIT A**



04 APR 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov



HOLLINGSWORTH & FUNK  
8009 34TH AVENUE SOUTH,  
SUITE 125  
MINNEAPOLIS MN 55425

In re Application of  
RANTAPUSKA, Olli et al.  
Application No.: 10/576,970  
PCT No.: PCT/IB2003/004738  
Int. Filing Date: 27 October 2003  
Priority Date: None  
Docket No.: BKS.019.WUS  
For: METHOD AND DEVICES FOR RELAYED  
PEER-TO-PEER COMMUNICATION  
BETWEEN TERMINALS IN MOBILE  
NETWORKS

DECISION

ON PETITION UNDER

37 CFR 1.181

This decision is in response to applicant's petition to withdraw the holding of abandonment, under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 04 February 2008.

**BACKGROUND**

On 19 December 2006, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 10 December 2007, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely reply to the Notification of Missing Requirements.

On 04 February 2008, applicants filed this petition under 37 CFR 1.181.

**DISCUSSION**

The showing required to establish nonreceipt of an Office communication is set forth in the notice entitled *Withdrawing the Holding of Abandonment When Office Actions Are Not Received*, 1156 O.G. 53 (Nov. 16, 1993). The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1) and (2) have been satisfied. Practitioner states that the Notification of Missing Requirement was not received and indicates that a search of the file did not locate the notification and asserts that a search of the docket records indicates that the Notification of Missing Requirements was not received.

Item (3) has not been satisfied. Practitioner must provide a copy of the docket records for the firm, where the nonreceived Office communication would have been entered had it been received and docketed and reference the docket record in the practitioner's statement. "For example, if a three month period for reply was set in the nonreceived Office Action; a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action." MPEP §711.03(c) para. II. The docket records for an individual application are not sufficient.

**CONCLUSION**

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, a proper reply is required within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

Erin P. Thomson  
Attorney Advisor  
PCT Legal Administration

Telephone: 571-272-3292  
Facsimile: 571-273-0459

**EXHIBIT B**

Filters Used:

11 Tagged Records

# ToDo Report

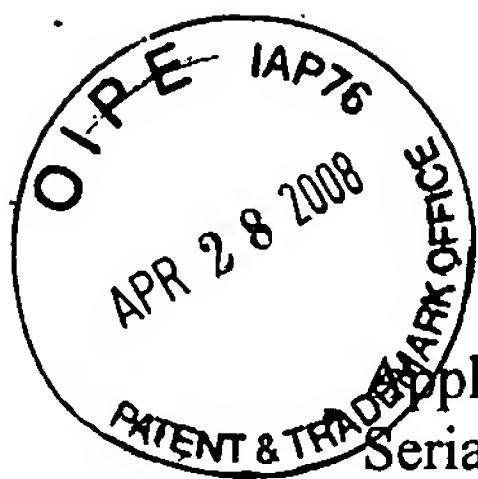
Custom List Format

Date Printed: 4/08/2008

Time Printed: 10:35AM

Printed By: TMD

Date		MatterNo	Description	Staff	Dc
2/18/2007	Sun	GUID.058PA	Status check, 42 mos	Clara Davis	Y
2/18/2007	Sun	GUID.059PA	Status check, 42 mos	Clara Davis	Y
2/18/2007	Sun	GUID.103PA	Status check, 42 mos	Clara Davis	Y
2/18/2007	Sun §	GDT.195.WJP	Client reminder regarding Examination due in 6M	Clara Davis	Y
2/20/2007	Tue §	GDT.214.W	Check Notice of Filing Date and Application Number	Clara Davis	Y
2/20/2007	Tue §	KOL.201.WUS	Check Notice of Acceptance	Erin M Nichols	Y
2/22/2007	Thu §	GDT.206.W	Check Notice of Filing Date and Application Number	Mark A Hollingsworth	Y
2/23/2007	Fri	GUID.609PA	DUE - RESPONSE TO NONCOMPLIANT APPEAL BRIEF	Mark A Hollingsworth	Y
2/23/2007	Fri §	GUID.226PA	Status Check, 18M	Clara Davis	Y
2/23/2007	Fri §	GUID.215PA	Status Check, 18M	Mark A Hollingsworth	Y
2/23/2007	Fri §	NKM.137.A1	Foreign Filing Reminder Letter	William B Ashley	Y



SERIAL NO. 10/576,970

PATENT APPLICATION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	RANTAPUSKA ET AL.	Examiner:	Unassigned
Serial No.:	10/576,970	Group Art Unit:	Unknown
I.A. Filing Date:	October 27, 2003	Docket No.:	BKS.019.WUS
Title:	METHOD AND DEVICES FOR RELAYED PEER-TO-PEER COMMUNICATIONS BETWEEN TERMINALS IN MOBILE NETWORKS		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 30, 2008.

By: Tracey M. Dotter  
Tracey M. Dotter

**Petition Under 37 C.F.R. § 1.181 (MPEP § 711.03(c))  
To Withdraw Holding Of Abandonment**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully request withdrawal of the holding of abandonment in patent application Serial No. 10/576,970. No fees by the Applicant should be required or otherwise incurred in view of the following evidence and facts which support this request. However, to the extent that other fees are necessary for entry of this Petition, and/or charges/overpayments apply, authorization is given to charge/credit Deposit Account 50-3581 (BKS.019.WUS).

This Petition is being timely presented under 37 C.F.R. § 1.8(b), as the Petition is being filed within two months of becoming aware that the case had been characterized as abandoned.

A Notice of Abandonment dated December 10, 2007 (Exhibit A) was received by Applicant's representative. The Notice of Abandonment, enclosed as Exhibit A, alleges that a Reply to the Notification of Missing Requirements dated December 19, 2006 was not timely submitted to the U.S. Patent and Trademark Office.

Applicant contends a response to the notification was not filed because the Applicant's representative did not receive the Notification of Missing Requirements. The practitioner has



done a search of the practitioner's records and also a thorough search of the file wrapper and also contends the Notification was not received.

Based on the practitioner's office procedures for handling incoming mail from the U.S. Patent and Trademark Office, the practitioner asserts that the Notification was not received at the correspondence address. The practitioner utilizes a docketing system to record the pertinent information relating to the application, for example, the docket number, serial number, and expected actions. As seen in Exhibit B, a series of potential action items are recorded in the docketing system for Attorney Docket No. BKS.019.WUS. It is the general practice to enter a docket due date when an Official Communication is received from the U.S. Patent Office. The practitioner has reviewed the docket entries for the above-identified matter, and asserts that had a Notification of Missing Requirements been received, the enclosed docket entries would have reflected as much. Since the docket entries for this matter still indicate to "Check Notice of Missing Requirements" the practitioner believes the Notification was never received at his office.

In view of the above, Applicant respectfully request that the holding of abandonment in Patent Application Serial Number 10/576,970 be withdrawn, and that a new Notification of Missing Requirements be mailed.

If the Patent Office believes it necessary or helpful, the Patent Office is invited to contact the undersigned attorney at the number below to discuss any issues related to this case.

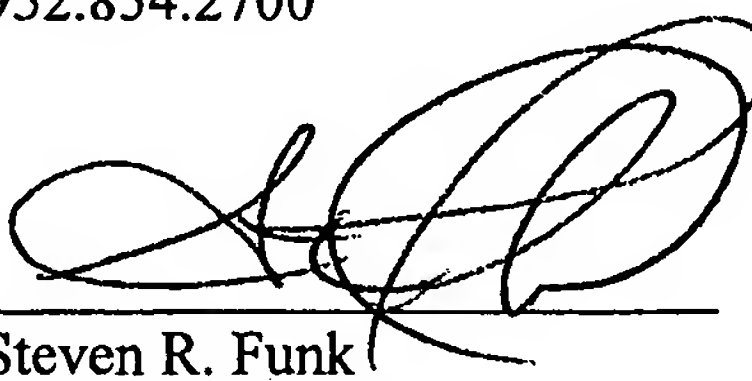
Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC  
8009 34<sup>th</sup> Avenue South, Suite 125  
Minneapolis, MN 55425  
952.854.2700

Date:

1/30/2008

By:



Steven R. Funk  
Reg. No.: 37,830

**EXHIBIT A**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/576,970	Rantapuska	BKS.019.WUS

HOLLINGSWORTH & FUNK  
8009 34TH AVENUE SOUTH,  
SUITE 125  
MINNEAPOLIS, MN 55425

INTERNATIONAL APPLICATION NO.	
PCT/IB03/04738	
LA. FILING DATE	PRIORITY DATE
10/27/2003	

CONFIRMATION NO. 7536  
371 ABANDONMENT/TERMINATION  
LETTER



Date Mailed: 12/10/2007

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 12/19/2006 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

TERRY M JOHNSON VESSELS

Telephone: (703) 308-9140 EXT 221

**EXHIBIT B**

Filters Used:  
8 Tagged Records

# ToDo Report

Custom List Format

Date Printed: 1/21/2008

Time Printed: 4:11PM

Printed By: TMD

Date	MatterNo	Description	Staff	Dc
5/16/2006	Tue § BKS.019.WUS	Verify Postcard Received	Steven R Funk	N
7/25/2006	Tue § BKS.019.WUS	File IDS	Steven R Funk	N
7/25/2006	Tue § BKS.019.WUS	Check Notice of Missing Requirements	Steven R Funk	N
11/25/2006	Sat § BKS.019.WUS	Check Notice of Acceptance	Steven R Funk	N
11/25/2006	Sat § BKS.019.WUS	File Assignment	Steven R Funk	N
12/25/2006	Mon § BKS.019.WUS	Check Assignment	Steven R Funk	N
10/25/2007	Thu § BKS.019.WUS	Verify PTO acknowledge copy of priority document in OA	Steven R Funk	N
4/25/2010	Sun § BKS.019.WUS	Status Check, 48M	Steven R Funk	N